

DRAFT

MINUTES OF THE CITY COUNCIL
OF GREENSBORO, NC

REGULAR MEETING:

17 DECEMBER 2002

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandy Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne Johnson, Robert V. Perkins, Thomas M. Phillips and Donald R. Vaughan. Absent: None. Also present were Ed Kitchen, City Manager, Terry Wood, Chief Deputy City Attorney; and Susan E. Crotts, Deputy City Clerk.

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The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Assistant City Manager recognized Darrell Courts, employee in the Fire Department, who served as courier for the meeting.

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The Mayor outlined the procedure for conduct of the meeting.

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The City Manager recognized Assistant City Manager Ben Brown and his wife, Dorothy, from Fayetteville, North Carolina. He stated that Mr. Brown was joining the City of Greensboro as Assistant City Manager for Economic Development and that Bob Morgan, Town Manager of Carrboro, North Carolina, would join the City as an Assistant City Manager in January.

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Speaking to clean up efforts in response to the recent winter storm, the City Manager recognized Transportation, Parks and Recreation, Water Resources, Engineering and Inspections, Police, Fire and GIS system employees who were present in the chamber. He thanked supervisors and their crews for their extraordinary efforts in snow removal and tree debris clean up. The Mayor also expressed thanks and appreciation to all staff involved.

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Mayor Holliday stated that the attorney representing the applicant for agenda item #7 had requested this item be withdrawn from the agenda.

Councilmember Johnson moved withdrawal of item #7, an ordinance rezoning from RS-15 Residential Single Family to Conditional Use-RM-8 Residential Multifamily with uses limited to residential multifamily (attached or detached) units for sale with various conditions, for property located on the south side of Ballinger Road between Rustic Road and New Garden Road. The motion was seconded by Councilmember Phillips and unanimously adopted by voice vote of Council. (This item was being heard on appeal filed by Cindy Gibson Harrell after receiving a vote of 7-2 by the Zoning Commission to recommend denial of the rezoning and continued from the October 15, 2002 meeting).

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The Mayor asked Beth McKee Huger, Executive Director of the Greensboro Housing Coalition (GHC), to present a Citizen Housing Update.

Beth McKee Huger, residing at 408 Woodlawn Ave, stated the GHC was working to eliminate substandard housing in Greensboro with a number of organizations committed to a comprehensive strategy that identified conditions which made housing unsafe. She distributed information regarding dangers of lead paint, thanked City departments and organizations who funded the brochure, and expressed appreciation to outreach workers who had gone door to door to raise awareness about housing safety issues in the community.

Varina Williams, residing at 1311 Huffman Street, stated she was vice president of the Jonesboro Scott Park Neighborhood Association. She spoke to a recent survey conducted for the GHC and stated that there were many needs for housing safety improvements in her neighborhood.

James R. Jarrell, residing at 2114 Byrd Street spoke to the City's 1999-2000 Comprehensive Plan Summary and noted that the Jonesboro Scott Park community had been identified as a neighborhood important to North Carolina Agricultural and Technical University (NCA&T University). He recommended that the University serve to host an Institute of Government similar to the Institute of Government in Chapel Hill.

A large number of people present in the Chamber stood to show their support for housing safety.

After Ms. McKee Huger advised that existing codes dealt separately with different areas of housing safety, Walter Simmons, Interim Director of the Engineering and Inspections Department, stated that an International Property Maintenance Code would be presented to Council for consideration in future months to address health and safety concerns not found in the present City Code; and reported on efforts to coordinate and share information between GHC, and Engineering Inspections Department; and advised that lead paint concerns would be coordinated with the Housing and Community Development Department's Lead Based Paint Removal Grant Program administrator.

Additional concerns discussed included high volume inspection work loads consisting of various priority levels in terms of lot clean up and housing repairs; the fact that repairs made did not fit in aesthetically with neighborhoods, but could not be mandated at a higher level; and the need for safe housing to be of the highest priority. Councilmember Burroughs-White encouraged neighborhoods to work together to solve housing safety and neighborhood beautification issues.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-9 Residential Single Family to Conditional Use-General Office Moderate intensity for church addition and various church related uses for property located on the south side of Bothwell Street between Hannaford Road and Willow Road. He stated this matter received five affirmative votes at the October 15, 2002 meeting after the public hearing was closed; was placed on the Council agenda for SECOND READING at the November 19, 2002 meeting; and was continued to this meeting and re-advertised for public hearing.

The Mayor explained Council's decision to postpone the second vote to re-open the public hearing after receiving new information at the second reading. Following brief discussion, Councilmember Johnson moved that the public hearing be re-opened. The motion was seconded by Councilmember Phillips and unanimously adopted by voice vote of Council.

The Mayor administered the oath to those who wished to be heard.

C. Thomas Martin, Planning Director, clarified several points with respect to the limitations of the conditional use proposal and advised that information which could be considered was limited to that presented in the previous or current public hearing. He discussed with Council the specific limitations of the proposed cafe and noted that it would only be open to people being served by the ministry.

Mr. Martin provided the following staff presentation:

REQUEST – ITEM 6

This request is to rezone property from RS-9 Residential Single Family to Conditional Use – General Office Moderate Intensity.

The RS-9 District is primarily intended to accommodate single family detached dwellings at a density of 4.0 units per acre or less.

The General Office Moderate Intensity District is primarily intended to accommodate moderate intensity office and institutional uses, moderate density residential uses at 12.0 units per acre or less, and supporting service uses.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses: Church addition, church-related school, day care center, rehabilitation and counseling services, community recreation center, administration offices, independent living housing, townhomes, café and related accessory uses.
- 2) Construct and maintain an opaque privacy fence along lines adjoining residentially zoned property. Install and maintain landscaping on exterior of fence.
- 3) Preserve any existing perimeter trees to extent possible adjoining residentially zoned property.
- 4) Trash containers shall be screened.
- 5) Exterior lighting shall be directed away from adjoining properties.
- 6) Maximum number of townhomes shall be no more than 15.
- 7) Maximum number of group homes shall be no more than 4.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 10.8 acres and is located on the south side of Bothwell Street between Hannaford Road and Willow Road.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-9	Power House of Deliverance Church
North	RS-7	5 single family dwellings
East	RS-7	8 single family dwellings
South	LI	Vacant land
West	RS-9	2 single family dwellings

Mr. Martin stated the Planning Department recommended approval of the request and the Zoning Commission had recommended denial of the request.

The following citizens spoke in favor of the rezoning request:

Bill Gwinn, representing Gwinn Architecture with offices located at 200 South Elm Street, Suite 401, stated that he had met with neighborhood residents during the past week. He shared his opinions that previous misunderstandings had been due to miscommunication and that because the request was limited to church property the zoning of other property in the neighborhood would not be impacted.

Council discussed various aspects of the proposed property development with Mr. Gwinn to clarify limitations of the proposed conditions.

Robert Reives, residing at 5901 Bayleaf Lane, stated he was a staff member of the Powerhouse of Deliverance Church and represented Bishop Washington, who was unable to attend the meeting. He requested

Council to approve the rezoning request.

Rosalind Gibson, residing at 208 F Berryman Street, outlined the vision of the Church's ministry and its role in providing services to the community.

The following citizens spoke in opposition to the rezoning:

Vernon Copeland, residing at 1711 Dunbar Street stated he opposed the rezoning in this area, which was already zoned for single family dwellings and expressed concern with respect to the impact the rezoning would have on the community at large in terms of property values, safety and development of wetland areas at the proposed site. Mr. Martin briefly outlined the processes that would be followed to insure proper site development.

Charles Robinson, residing at 2313 Bothwell Street, spoke to the history of development in the neighborhood and stated the multi-family housing aspect of the proposal was his main objection.

Arthur Cruz, residing at 1630 Pichard Street, voiced his preference that the Church expand as one building rather than as a campus; advised that a petition opposing the proposal had been submitted in the first public hearing; spoke to the number of citizens who had signed the petition; and stated that his main concern was the proposed multi-family housing. (A copy of the petition is filed in Exhibit Drawer N-47.)

Dorothy Lassiter, residing at 1704 Pichard Street, spoke to a recent meeting with the Church and the community. She stated she had requested the Powerhouse of Deliverance Church to delay their project to first determine if the land were suitable for building and had not received a response.

The following speakers spoke in rebuttal and in favor of the proposal:

Mr. Gwinn stated that the Church would comply with flood plains and wetlands development regulations specified by the Federal Emergency Management Agency and U.S. Corps of Engineers and detailed various aspects of the proposed building site and its development phases.

Mr. Reives, speaking on behalf of the Church, stated that all programs at the proposed development would be operated by the Church. He noted that the town homes were planned to provide housing to older members of the church so they could continue to participate easily in Church activities.

The following speakers spoke in rebuttal and opposition to the proposed rezoning:

Marie Harris, residing at 1703 Pichard Street, stated that information provided to the neighbors had been conflicting and advised that she was not against a pastoral complex, but was concerned about the proposed town homes.

After Mr. Martin advised that he had sent a clarification memo to address the aspects of the Church's original proposal that were not permissible, Council briefly discussed developments in other neighborhoods similar to this proposal and their perceived benefits. Councilmember Johnson noted that the multi-family aspect had been a consistent issue among the speakers against the proposal.

After Councilmember Vaughan entered the meeting at 7:45 p.m. and stated he had listened to the entire meeting via television relayed from his home to his cell phone, Councilmember Johnson moved to include Councilmember Vaughan in the meeting to vote. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council.

Councilmember Phillips thereupon moved to close the public hearing. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of the Council.

Mr. Martin provided the following staff recommendation:

Item 6 – Bothwell Street and Willow Road

The Planning Department recommends that this request be approved.

Approval of this request will allow the church to establish a planned, multi-use complex to further its ministry now and in the future.

Since general office zoning permits residential and church uses, but also allows for office use of the property, this proposed conditional use rezoning offers the maximum flexibility and range of uses for their development of the property.

With Light Industrial zoning and Interstate 40/85 located to the south, and single family zoning located on all other sides, staff feels that this rezoning proposal functions as a transitional zone between the less intense and more intense land uses.

In this regard, the church development itself will function as a buffer to the single family neighborhoods.

Mr. Martin stated this was a good transition zone between less intensive uses.

Councilmember Burroughs-White stated she perceived a traffic issue in the area at present and suggested there might be a need for review by the City's Department of Transportation.

Councilmember Perkins suggested that a long term development plan was needed for other undeveloped property in the neighborhood zoned for unconditional light industrial development.

Councilmember Phillips thereupon moved that the ordinance rezoning this property to conditional use office moderate intensity be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the use of the property for a church and related uses.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because there is an existing church currently on the property.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this rezoning will create a transitional zone between the less intense and more intense land uses to the north and south, respectively and because the church development itself will function as a buffer to the single family neighborhoods.

The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Carmany, Gatten, Holliday, Jessup, Perkins and Phillips. Noes: Burroughs-White, Johnson and Vaughan.

02-247 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

SOUTH SIDE OF BOTHWELL STREET BETWEEN HANNAFORD ROAD AND WILLOW ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-9 Residential Single Family to Conditional Use – General Office Moderate Intensity (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the intersection of the southern right-of-way line of Bothwell Street and the western right-of-way line of Willow Road, said point being the northeast corner of Lot 8 of Bothwell Street Subdivision as recorded in Plat Book 29, Page 83 in the Office of the Guilford County Register of Deeds; thence along the western right-of-way line of Willow Road the following three (3) courses and distances: S01°57'E 379.25 feet to a point, thence S01°57'E 20.75 feet to a point, thence S03°34'E 173.89 feet to a point at the southeast corner of said Lot 8; thence along the southern property line of Lots 1 through 9 and the southern property line of Power House of Deliverance of the Apostolic Faith as recorded in Deed Book 4558, Page 189 S87°49'47"W 1,165.76 feet to a point, said point being the southwest corner of Power House of Deliverance of the Apostolic Faith; thence along the western line of said Power House of Deliverance N13°38'19"W 134.86 feet to a point in the southern property line of Lot 8 of Ambassador Estates as recorded in Plat Book 72, Page 129; thence along the southern property line of Lots 8 through 13 of the above mentioned Ambassador Estates N77°29'45"E 336.88 feet to a point in the southern property line of said Lot 13, said point also being the southwest corner of Power House of Deliverance as recorded in Deed Book 3418, Page 675; thence along the western property line of Power House of Deliverance N13°33'37"W 197.69 feet to a point in the southern right-of-way line of Bothwell Street; thence along the southern right-of-way line of Bothwell Street N76°02'03"E 916.91 feet to the point and place of BEGINNING, containing 10.82 acres more or less.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: Church addition, church-related school, day care center, rehabilitation and counseling services, community recreation center, administration offices, independent living housing, townhomes, café and related accessory uses.
- 2) Construct and maintain an opaque privacy fence along lines adjoining residentially zoned property. Install and maintain landscaping on exterior of fence.
- 3) Preserve any existing perimeter trees to extent possible adjoining residentially zoned property.
- 4) Trash containers shall be screened.
- 5) Exterior lighting shall be directed away from adjoining properties.
- 6) Maximum number of townhomes shall be no more than 15.
- 7) Maximum number of group homes shall be no more than 4.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

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The Mayor declared a recess at 8:08 p.m.

The Council reconvened at 8:24 with all members present.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution authorizing on the basis of public necessity widening, curb and gutter (where none now exists) on Stanley Road from Hilltop Road to a point 320 feet north of Hilltop Road.

The Mayor asked if anyone present wished to be heard. There being no one present who wished to speak to this matter, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Carmany, the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

S-226 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

WIDENING WITH CURB AND GUTTER (WHERE NONE NOW EXISTS) OF STANLEY ROAD FROM HILLTOP ROAD TO A POINT 320 FEET NORTH OF HILLTOP ROAD

WHEREAS, due notice has been given that on the 17th day of December, 2002 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

STANLEY ROAD FROM HILLTOP ROAD TO A POINT 320 FEET NORTH OF HILLTOP ROAD

B. That the local improvements to be made on the street or streets set out above are as follows:

- (a) Roadway Paving Improvements. That the street or streets hereinabove named within the limits defined be widened on both sides with stone base asphaltic concrete surface, the widening to include grading, construction of storm sewers and necessary laterals, laying of concrete curbs and gutters, and all other work incidental to the improvements.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Donald R. Vaughan

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution confirming assessment roll for sanitary sewer improvements on Maybrook Drive from existing sewer at O'Ferrell Street to 150 feet west of O'Ferrell Street.

Mayor Holliday asked if anyone wished to speak to this matter. There being no one present who wished to be heard, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White, the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

M-241 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

MAYBROOK DRIVE FROM EXISTING SEWER AT O'FERRELL STREET TO 150' WEST OF O'FERRELL STREET

WHEREAS, on the 3rd day of February, 1998, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Sanitary Sewer Improvements. That a sanitary sewer main of 8-inch size be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including water laterals where none exist and water main has been installed) be laid for the proper connection of abutting property.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

MAYBROOK STREET

Existing Sewer at O'Ferrell Street to 150' West of O'Ferrell Street

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
3. That the general plan map is hereby confirmed at 6:00 p.m., on the 17th day of December, 2002, and is hereby made the final assessment roll for the improvements.
4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.
5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.
6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in five equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.
7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Donald R. Vaughan

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Mayor Holliday stated that this was the time and place set for a public hearing to confirm assessment roll for water, sewer and roadway improvements on Savoy Lane from Guilford College Road to Dead End. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

S-227 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

SAVOY LANE FROM GUILFORD COLLEGE ROAD TO DEAD END

WHEREAS, on the 15th day of December, 1998, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Water Main Improvements. A water main to be laid on the street or streets hereinabove named within the limits defined, and necessary laterals to be laid for the proper connection of abutting property with the water main.

Sanitary Sewer Improvements. A sanitary sewer main to be laid on the street or streets hereinabove named within the limits defined, and necessary laterals to be laid for the proper connection of abutting property with the sewer main.

Roadway Paving Improvements. The street or streets hereinabove named within the limits defined to be paved a maximum of 26 feet in width with stone base asphalt concrete surface, the paving to include grading, construction of storm sewers, and necessary laterals, laying of concrete curbs and gutters, and all other work incidental to the paving.

AND, WHEREAS, the water and sanitary sewer improvements have now been completed but it has proven impossible to construct the roadway portion of this project due to terrain issues that impact a required drainage system and the City Council has ascertained the total cost of the water and sanitary sewer improvements and the amount that should be assessed against each lot abutting on the water and sanitary sewer improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

SAVOY LANE
Guilford College Road to Dead End

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the total cost of the water and sanitary sewer improvements is hereby designated to be the amount shown thereof on said general plan map.
2. That the City Council finds as a fact that each lot abutting on the water and sanitary sewer improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
3. That the general plan map is hereby confirmed at 6:00 p.m., on the 17th day of December, 2002, and is hereby made the final assessment roll for the water and sanitary sewer improvements.
4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.
5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.
6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in five equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.
7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with

interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Donald R. Vaughan

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution authorizing \$26,000 Refunding Bonds. The City Manager stated that this would allow the City to take advantage of a lower interest rate, resulting in significant savings.

The Mayor asked if anyone wished to speak to this matter. There being no one present who wished to be heard, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF REFUNDING BONDS OF THE CITY OF GREENSBORO, NORTH CAROLINA, AND AUTHORIZING FINANCE DIRECTOR TO FILE APPLICATION FOR APPROVAL THEREOF WITH LOCAL GOVERNMENT COMMISSION

WHEREAS, the City Council of the City of Greensboro, North Carolina (the "City") is considering the authorization of not exceeding \$26,000,000 Refunding Bonds of the City (the "Bonds") for the purpose of refunding all or any portion of the City's Refunding Bonds, Series 1993 and Public Improvement Bonds, Series 1994A, in order to achieve debt service savings; now, therefore,

BE IT RESOLVED by the City Council of the City of Greensboro:

Section 1. The City Council hereby finds and determines, in connection with authorizing the issuance of the Bonds, that (a) the issuance of the Bonds is necessary or expedient for the City, (b) the proposed principal amount of the Bonds is adequate and not excessive for the proposed purpose of such issue, (c) the City's debt management procedures and policies are good and are managed in strict compliance with law, (d) no increase in taxes will be necessary to service the Bonds and (e) under current economic conditions, the Bonds can be marketed at reasonable rates of interest.

Section 2. The Finance Director is hereby authorized to file an application for approval of the Bonds with the Local Government Commission of North Carolina (the "LGC"), the action of the Finance Director in retaining Sidley Austin Brown & Wood LLP and Steve Allen, Esq. as Co-Bond Counsel and Banc of America Securities LLC as financial advisor, is hereby ratified and confirmed, and the LGC is hereby requested to approve such financing team.

Section 3. This resolution shall take effect immediately upon its passage.

(Signed) Claudette Burroughs-White

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Moving to the Consent Agenda, Councilmember Phillips moved adoption of the Consent Agenda, the motion was seconded by Councilmember Vaughan; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

209-02 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF WILLIAM T. RIGHTSELL, JR., IN CONNECTION WITH THE ALOE ROAD IMPROVEMENTS PROJECT

WHEREAS, William T. Rightsell, Jr. is the owner of certain property located on Aloe Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Aloe Road Improvements Project;

WHEREAS, negotiations with the owner at the appraised value of \$5,000 have been unsuccessful and said portion of property is necessary for said project; WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner in the amount of \$5,000;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property and the Director of Finance be authorized to issue a draft in the amount of \$5000 to the Clerk of Superior Court as compensation to the owner, payment to be made from Account No. 402-6001-01.6012 CBR 001.

(Signed) Thomas. M. Phillips

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210-02 RESOLUTION ADOPTING DISPUTE RESOLUTION PROCESS FOR CERTAIN MUNICIPAL BUILDING CONTRACTS PURSUANT TO NORTH CAROLINA GENERAL STATUTES SECTION 143-128(F1)

WHEREAS, due to recent amendments to North Carolina General Statutes Section 143-128(F1, the City is required to develop a dispute resolution process for construction contracts;

WHEREAS, these rules will address disputes involving the architect, the first and second tier contractors, and contractors for any disputes arising out of the construction process that exceed \$15,000;

WHEREAS, the rules do not apply to prefabricated buildings or to the erection construction, alteration, or repair of a building where the cost is \$300,000;

WHEREAS, the City has developed 'Rules Implementing Mediated Settlement Conferences in City of Greensboro Construction Projects', said Rules presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Rules Implementing Mediated Settlement Conferences in City of Greensboro Construction Projects presented herewith this day is hereby approved.

(Signed) Thomas M. Phillips

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02-225 ORDINANCE AMENDING THE FEDERAL, STATE AND OTHER GRANTS FUND - EPA VULNERABILITY ASSESSMENT GRANT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Federal, State and Other Grants Fund – EPA Vulnerability Assessment Grant - budget of the City

of Greensboro is hereby amended as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-6551-01.5413	Consultant Services	\$115,000

And, that the following revenue finances these appropriations:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-6551-01.7100	Federal Grant	\$115,000

(Signed) Thomas M. Phillips

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212-02 RESOLUTION CALLING A PUBLIC HEARING FOR JANUARY 7, 2003 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 2603 WILPAR DRIVE – 0.965 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 17th day of December, 2002, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 2603 WILPAR DRIVE – 0.965 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the Greensboro satellite corporate limits (as of December 31, 2002), said point being the northernmost corner of Lot 1 of Mark A. Lindsay, recorded in Plat Book 148, Page 97 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE SATELLITE CITY LIMITS S 65° 13' 26" E 199.82 feet along the northeast line of said lot to its east corner; thence S 24° 43' 48" W 210.54 feet along the southeast line of said lot to its southernmost corner, said corner also being on the northeastern right-of-way line of Wilpar Drive; THENCE DEPARTING FROM THE SATELLITE CITY LIMITS along said right-of-way line N 65° 28' 36" W 198.84 feet to the westernmost corner of said lot; thence N 24° 27' 54" E 211.42 feet along the northwest line of said lot to the point and place of BEGINNING, and containing 0.965 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2003, the liability for municipal taxes for the 2002-2003 fiscal year

shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That January 7, 2003 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than December 28, 2002.

(Signed) Thomas M. Phillips

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213-02 RESOLUTION CALLING A PUBLIC HEARING FOR JANUARY 7, 2003 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 3207 HORSE PEN CREEK ROAD – 2.41 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 17th day of December, 2002, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 3207 HORSE PEN CREEK ROAD – 2.41 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an iron pipe in the northern right-of-way of Horse Pen Creek Road (N.C.S.R. 2182), said iron pipe having NC State Plane Coordinates (and 83) N- 266,337.103 meters and E- 530,285.397 meters, said iron being further described as the southwest corner of Lot 1 of Stonehaven Subdivision, as recorded in Plat Book 137, Page 56 in the Office of the Register of Deeds of Guilford County; thence with the northern right-of-way line of Horse Pen Creek Road along a counter-clockwise curve with a radius of 17,695.80 feet, a delta angle of 00° 54' 47", an arc length of 281.99 feet, and a chord bearing and distance of S 71° 35' 22" W 281.98 feet to an iron pipe set; thence continuing with the right-of-way line of Horse Pen Creek Road the following four courses and distances: (1) S 80° 47' 02" E 19.69 feet to an iron pipe set, (2) S 71° 35' 40" W 77.87 feet to a computed point, (3) N 53° 02' 56" W 6.13 feet to a computed point, (4) N 06° 50' 52" E 10.96 feet to an iron pipe found, a corner with F. Kent Wilkins et ux; thence with the line of Wilkins N 06° 50' 52" E 22.33 feet to a computed point; thence continuing with Wilkins line N 06° 50' 52" E 353.48 feet to an iron pipe found, the southwest corner of Lot 5 of Stonehaven Subdivision; thence with the southern lines of Lots 5 and 6 of Stonehaven Subdivision N 87° 04' 34" E 316.27 feet to an iron pipe found at the southeast corner of said Lot 6; thence with the western lines of Lots 3, 2, and 1 of Stonehaven Subdivision S 06° 57' 49" W, passing iron pipes found at 70.08 feet and an additional 97.56 feet, a total distance of 289.16 feet to the point and place of BEGINNING, and containing approximately 2.41 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected

either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That January 7, 2003 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than December 28, 2002.

(Signed) Thomas M. Phillips

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214-02 RESOLUTION CALLING A PUBLIC HEARING FOR JANUARY 7, 2003 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED WEST OF YANCEYVILLE STREET – 159.25 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 17th day of December, 2002, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED WEST OF YANCEYVILLE STREET – 159.25 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line, said point being the southeast corner of Ora L. Chappell Heirs, as recorded at Deed Book 3434, Page 1239 in the Office of the Register of Deeds of Guilford County, said point also being in the north line of Lot 52 of Carriage Woods, Phase 1, Section 2, as recorded at Plat Book 133, Page 99 in the Office of the Register of Deeds; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 86° 52' 00" W 500.56 feet along the north line of Carriage Woods to the southeast corner of Dale Robinson, as recorded at Deed Book 4809, Page 1256 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 00° 14' 39" E 199.89 feet along Robinson's east line to

Robinson's northeast corner; thence N 86° 43' 06" W 298.17 feet along Robinson's north line to Robinson's northwest corner; thence S 00° 08' 59" W 200.13 feet along Robinson's west line to Robinson's southwest corner, a point in the existing city limits, said point also being in the north line of Common Area of Carriage Woods, Phase 1, Section 1, as recorded at Plat Book 131, Page 34 in the Office of the Register of Deeds; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 86° 45' 43" W 93.23 feet along the north line of said Common Area to a point; thence N 86° 48' 35" W 154.37 feet along the north line of said Common Area to a point; thence N 86° 41' 42" W 248.70 feet along the north line of said Common Area to a point; thence N 86° 50' 27" W 386.96 feet to the northeast corner of Section 3-B of The Orchard, as recorded at Plat Book 59, Page 6 in the Office of the Register of Deeds; thence N 86° 42' 26" W 461.70 feet along the north line of said Section 3-B to a point in the east line of Drainageway and Open Space in Section 2A of Lakeshore Village, as recorded at Plat Book 121, Page 58 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 01° 22' 32" E 552.29 feet along said Drainageway and Open Space to the northeast corner of said Drainageway and Open Space; thence N 47° 23' 05" W 211.00 feet along the east line of Drainageway and Open Space in Section 3 of Lakeshore Village, as recorded at Plat Book 127, Page 19 in the Office of the Register of Deeds; thence continuing along said east line N 01° 27' 25" E 87.91 feet to a point; thence continuing along said east line N 23° 36' 35" E 198.94 feet to the southeast corner of Drainageway and Open Space in Section 4 of Lakeshore Village, as recorded at Plat Book 130, Page 91 in the Office of the Register of Deeds; thence N 36° 46' 45" E 415.63 feet along the east line of said Drainageway and Open Space to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 66° 48' 05" E 123.40 feet to a point; thence N 33° 10' 10" E 736.65 feet to a point; thence N 82° 11' 18" E 127.52 feet to a point; thence S 48° 47' 23" E 149.10 feet to a point; thence N 29° 05' 40" E 102.84 feet to a point; thence N 36° 39' 40" W 342.65 feet to a point; thence N 14° 47' 10" E 196.41 feet to a point; thence N 21° 35' 25" E 408.17 feet to a point; thence N 30° 19' 15" E 514.81 feet to a point; thence N 33° 43' 00" E 342.42 feet to a point; thence N 49° 14' 00" E 290.71 feet to a point; thence N 89° 28' 30" E 473.44 feet to a point; thence S 02° 40' 15" W 421.24 feet to a point; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 05° 44' 30" W 373.11 feet along the west line of Rachel Norton to a point; thence S 04° 51' 09" W 536.37 feet along the west line of Marcia Walters to a point, said point being the northwest corner of Alfred C. Cole and wife; thence S 03° 28' 55" W 183.17 feet along Cole's west line to Cole's southwest corner; thence S 84° 43' 16" E 1,250.63 feet along Cole's south line to a point; thence N 04° 55' 25" E 105.26 feet along Cole's south line to a point; thence S 85° 23' 28" E 375.51 feet along Cole's south line to a point in the western margin of Yanceyville Street; thence in a southerly direction with said western margin the following bearings and distances: S 27° 52' 28" W 473.58 feet to a point, S 19° 58' 50" W 209.33 feet to a point, S 19° 31' 45" W 562.67 feet to a point, S 18° 54' 50" W 293.39 feet to a point, and S 16° 09' 38" W 161.78 feet to the southeast corner of Lot 4 of Subdivision of Property of Nellie Chappell Heirs, as recorded at Plat Book 65, Page 75 in the Office of the Register of Deeds; thence N 86° 07' 30" W 887.57 feet along the south line of said Lot 4 to the southwest corner of said Lot 4; thence S 06° 03' 56" W 222.83 feet to a point; thence S 02° 51' 48" W 181.80 feet to a point; thence S 01° 33' 59" W 181.78 feet to the point and place of BEGINNING, and containing approximately 159.25 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31st, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004

fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That January 7, 2003 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than December 28, 2002.

(Signed) Thomas M. Phillips

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215-02 RESOLUTION CALLING A PUBLIC HEARING FOR JANUARY 7, 2003 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 5834 OWL’S ROOST ROAD – 253.0 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 17th day of December, 2002, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 5834 OWL’S ROOST ROAD – 253.0 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of November 30, 2002), said point being at the southeast corner of Battleground Avenue (U.S. Highway 220) and Owl’s Roost Road (NCSR # 2337) and being the northwest corner of Phase Two of Davidson Place, as recorded at Plat Book 138, Page 99 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 65° 48’ 25” W 150 feet, crossing Battleground Avenue, to a point on its southwest right-of-way line; thence in a northwesterly direction with said right-of-way line approximately 1,150 feet to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following courses and distances: in a northwesterly direction with said right-of-way line approximately 1,600 feet to a point, in an easterly direction approximately 443 feet to a point, N 11° 22’ 22” E approximately 630 feet to a point, S 88° 25’ 03” E 840.73 feet to a point, S 88° 32’ 39” E 466.13 feet to a point, N 30° 22’ 14” E 1,233.39 feet to a point, S 65° 30’ 56” E 992.21 feet to a point, N 71° 55’ 54” E 100.00 feet to a point, S 37° 57’ 52” E 302.51 feet to a point, S 15° 42’ 56” E 270.93 feet to a point, S 08° 40’ 56” E 361.22 feet to a point, S 08° 48’ 56” E 73.64 feet to the northwest corner of Sheet 2 of Section One of Owls Roost Subdivision, as recorded at Plat Book 56, Page 24 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and following the common property line of said Sheet 2 and Guilford County the following courses and distances: S 08° 44’ 20” E 379.56 feet to a point, S 09° 48’ 44” E 117.41 feet to a point, S 15° 55’ 24” E 100.20 feet to a point, S 23° 58’ 24” E 100.00 feet to a point, S 31° 37’ 24” E 100.03 feet to a point, S 39° 31’ 16” E 99.92 feet to a point, S 47° 41’ 24” E 99.85 feet to a point, S 54° 43’ 41” E 99.94 feet to a point, and S 57° 08’ 21” E 284.02 feet to the northwest corner of Sheet 1 of Section One of Owls Roost Subdivision, as recorded at Plat Book 56, Page 23 in the Office of the Register of Deeds; thence following the common property line of said Sheet 1 and Guilford County the following courses and distances: S 57°

08° 10" E 397.01 feet to a point, and S 56° 32' 41" E 99.96 feet to a point in the existing city limit line; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS along the common property line of Margaret H. Caldwell, Heirs and Guilford County the following courses and distances: S 01° 01' 34" W 192.18 feet to a point, and S 02° 24' 05" W 279.52 feet to the northeast corner of Edwin B. and Carole S. Monroe; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with Monroe's northern line S 70° 59' 36" W 400.96 feet to Monroe's northwest corner; thence S 00° 24' 58" E approximately 297 feet along Monroe's western line and the projection thereof to a point on the south right-of-way line of Owl's Roost Road; thence in a westerly direction with said right-of-way line approximately 200 feet to its intersection with the southward projection of the eastern line of a second property of Edwin B. and Carole S. Monroe; thence N 11° 00' 56" W approximately 295 feet along said projection and said eastern line to Monroe's northeast corner; thence S 84° 41' 48" W 850.37 feet along Monroe's northern line to Monroe's northwest corner; thence N 01° 15' 49" E 480.05 feet along the eastern line of Eric R. and Mary S. Calhoun to an existing stone; thence continuing with said line N 01° 15' 07" W 429.11 feet to Calhoun's northeast corner; thence S 89° 01' 06" W 834.79 feet along Calhoun's northern line to a point in the east right-of-way line of Bur-Mil Club Road (NCSR # 2336); thence in a southerly direction with said right-of-way line and the projection thereof approximately 1,330 feet to a point in the south right-of-way line of Owl's Roost Road, said point being in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a westerly direction with said south right-of-way line approximately 1,700 feet to the point and place of BEGINNING, and containing approximately 253 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That January 7, 2003, at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than December 28, 2002.

(Signed) Thomas M. Phillips

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216-02 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2002-38 WITH TRI-STATE CONSULTANTS, INC. FOR THE PRICE PARK BRIDGE REPLACEMENT PROJECT

WHEREAS, after due notice, bids have been received for the Price Park Bridge replacement project;

WHEREAS, Tri-State Consultants, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$172,847.50 as general contractor for Contract No. 2002-38, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Tri-State Consultants, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No.401-6003-01.6019 CBR 002.

(Signed) Thomas M. Phillips

(A tabulation of bids for the Price Park Bridge Replacement Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of regular meeting of November 19, 2002 was unanimously adopted.

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After the Mayor stated that following the adoption of the Consent Agenda, a citizen had informed him they had wished to speak to agenda item number 12, Councilmember Vaughan moved to reconsider agenda item number 12. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of the Council.

Logie Meachum, residing at 308 Aloe Road in Greensboro, questioned the condemnation process, expressed related concerns and requested Council to continue the matter. After the City Attorney clarified the process related to the item, Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution (209-02) was adopted (as adopted in the Consent Agenda) on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

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The Mayor introduced an ordinance granting Grassroots Production Limited the right to erect banners for Jefferson Pilot Financial along the 100 block of North Elm Street, North Greene Street, West Market Street and West Friendly Avenue; he noted this matter was continued from the December 3, 2002 meeting of Council.

After brief discussion, Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-248 ORDINANCE GRANTING GRASSROOTS PRODUCTION LIMITED THE RIGHT TO ERECT BANNERS FOR JEFFERSON PILOT FINANCIAL ALONG THE 100 BLOCK OF NORTH ELM STREET, NORTH GREENE STREET, WEST MARKET STREET, AND WEST FRIENDLY AVENUE

WHEREAS, during 2003 Jefferson Pilot Financial will be celebrating 100 years of continuous operation and service to our community by the corporation;

WHEREAS, this is an event of special significance for a major Greensboro Corporate citizen;

WHEREAS, this anniversary will provide a positive image for the City of Greensboro.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That from December 30, 2002 through January 5, 2004, Jefferson Pilot Financial is hereby allowed to erect banners in public areas along the following city streets:

The West side of the 100 Block North Elm Street
The East side of the 100 Block of North Greene Street
The North side of the 100 Block of West Market Street
The South side of the 100 Block of West Friendly Avenue

2. All other requirements of 30-5-5.16 must be met.

(Signed) Yvonne J. Johnson

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The Mayor introduced a resolution authorizing the compliance of certain obligations upon the City of Greensboro, including the provision of the local project costs for the Federal Fiscal Year 2002 Federal Transit Administration (FTA) Section 5307 Capital Assistance Program Grant to support the purchase of ten replacement transit buses and ten vans for the Greensboro Transit Authority.

Following brief remarks by the City Manager and Libby James, Greensboro Transit Authority Administrator, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

217-02 RESOLUTION AUTHORIZING THE COMPLIANCE CERTAIN OBLIGATIONS UPON THE CITY OF GREENSBORO, INCLUDING THE PROVISION OF THE LOCAL PROJECT COSTS FOR THE FEDERAL FISCAL YEAR 2002 FEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5307 CAPITAL ASSISTANCE PROGRAM GRANT TO SUPPORT THE PURCHASE OF TEN REPLACEMENT TRANSIT BUSES AND TEN VANS FOR THE GREENSBORO TRANSIT AUTHORITY.

WHEREAS, the Federal Transit Administration under the Transportation Equity Act for the 21st Century (TEA 21), provides Federal funds to support public transportation projects;

WHEREAS, the North Carolina Department of Transportation has earmarked FFY 2002 Federal Transit Administration funds to assist the City of Greensboro in the replacement of ten transit buses and ten vans;

WHEREAS, the special earmark of Federal funds reflects the growing need that the City of Greensboro Transit Authority has for vehicles to both maintain the existing level of transit service and to add new services;

WHEREAS, the contracts for financial assistance will impose certain obligations upon the City of Greensboro, including the provision of the local project costs;

WHEREAS, the City of Greensboro hereby assures and certifies that it will comply with the provision of the local project costs to support the replacement of ten transit buses and ten vans; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF GREENSBORO:

That the City Manager or his designee, of the City of Greensboro is hereby authorized to make the necessary assurances and certifications to the North Carolina Department of Transportation that the City will comply with the provision of the local project costs to support the replacement of ten transit buses and ten vans.

(Signed) Florence F. Gatten

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Mayor Holliday introduced a resolution authorizing and approving sale of 405, 409 and 411-415 South Greene Street to Mid-Atlantic Town Homes, LLC. The Manager provided a brief explanation of the property with respect to its location and prospective use.

In response to questions, the City Attorney explained a provision in the Charter that allowed Council to approve the sale.

Ray Gibbs, Executive Director of Downtown Greensboro, Inc., spoke to features of the property and the impact the sale of the property would have on an adjacent affordable housing development project.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

218-02 RESOLUTION AUTHORIZING AND APPROVING SALE OF 405, 409 AND 411-415 SOUTH GREENE STREET TO MID-ATLANTIC TOWN HOMES, LLC

WHEREAS, the City of Greensboro owns residual property located at 405, 409 and 4110415 South Greene Street at Tax Map Number 6-3-1, 11 & 12, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Mid-Atlantic Town Homes, LLC has offered to purchase said property for future development for the appraised amount of \$90,900.00, which amount, in the opinion of the City Council is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$90,900.00 is hereby approved and the sale of land to Mid-Atlantic Town Homes, LLC is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Claudette Burroughs-White

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The Mayor introduced a resolution authorizing the participation in the Early Action Compact process provided by the Environmental Protection Agency. Following brief remarks by the Mayor, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

219-02 RESOLUTION AUTHORIZING THE PARTICIPATION OF THE EARLY ACTION COMPACT PROCESS PROVIDED BY EPA

Whereas, the federal Clean Air Act, through the Environmental Protection Agency (EPA), establishes air quality standards to protect public health and welfare; and

Whereas, North Carolina has acknowledged the importance of these standards in promoting quality of life, economic development and future healthy development; and

Whereas, the Triad region, along with two other metropolitan areas in the state, could not initially attain the 1977 federal ozone standard, known as the “one hour standard”, but now has met this standard and is designated as “attainment” for the one-hour standard; and

Whereas, EPA’s more stringent eight hour ozone standard has been in effect since 1997, and the North Carolina Department of Environment and Natural Resources (DENR), Division of Air Quality has preliminarily determined through monitoring and analysis that, Alamance, Guilford, Forsyth, Davidson, Davie, Randolph, Stokes, Yadkin, potentially Surry, and parts of Caswell and Rockingham counties in the Piedmont Triad Region currently exceed the eight hour standard; and

Whereas, DENR, will conduct public meetings in the spring of 2003; will engage in further analysis of monitoring data, commuting patterns, current and projected population, and current and projected daily driving distances per vehicle; and will finally recommend to EPA in the summer of 2003 which North Carolina counties and parts of counties qualify as non-attainment for the eight hour ozone standard; and

Whereas, EPA, in the absence of other initiatives by affected areas, will in 2004 designate areas as non-attainment for the eight hour standard; and

Whereas, designation as non-attainment is widely acknowledged to have extremely negative consequences for an area’s economic development, transportation planning and construction, and quality of life; and

Whereas, EPA, in conjunction with state governments, business, industry and environmental interests has developed an option known as an “Early Action Compact,” (EAC) through which an area, in partnership with the state and EPA, can defer the effective date of designation as non-attainment (from 2004 to 2007) by voluntarily developing and implementing a plan to attain the eight hour standard by the end of 2007; and

Whereas, the benefits of participating in an Early Action Compact include: clean air sooner, delaying (potentially even avoiding) non-attainment designation, minimizing the impact of air quality standards on new industrial construction; minimizing the impact of air quality standards on transportation planning and construction; less complicated conformity plans; flexibility to achieve standards in cost effective ways; development of local standards in partnership with stakeholders and the state, and other benefits; and

Whereas, any local government participating in an Early Action Compact may withdraw at any time with no penalty until a jointly developed State Implementation Plan is adopted for that area;

Now Therefore Be It Resolved, that the Greensboro City Council affirms its support for development and implementation of Early Action Plan (EAP) for affected counties in the Piedmont Triad Region that will reduce ground-level ozone concentrations to comply with the 8-hour ozone standard by December 31, 2007, and maintain the standard beyond that date; and

Further that, signatory parties to the Early Action Compact commit to develop, implement and maintain the Early Action Plan according to EPA Protocol for Early Action Compacts issued June 19, 2002, Designed to Achieve and Maintain the 8-Hour Ozone Standard.; and

Further, that, participating local governments will develop this plan in coordination with DENR, EPA, stakeholders and the public; and

Further that, the Early Action Plan will include a process to monitor and maintain long-term compliance with the standard; and

Further that, the Early Action Plan will be submitted to DENR and EPA for review by January 31, 2004 and finalized by March 31, 2004 for inclusion in the Statewide Implementation Plan by December 31, 2004.

Further that, participating local governments will observe the following protocol and milestones in completing the Early Action Plan

Early Action Compact Milestones	
December 31, 2002	Signed Early Action Compact (participating local governments, DENR, EPA)
May 31, 2003	Initial modeling emissions inventory completed (state Division of Air Quality - DAQ)
	Conceptual modeling completed (DAQ)
	Base case modeling completed (DAQ)
June 16, 2003	Identify and describe local strategies being considered for inclusion in local clean air plans (local governments, stakeholders, DAQ)
June 30, 2003	Biannual status reports to begin (local governments and DAQ)
October 31, 2003	Future year emissions inventory modeling completed (DAQ)
	Emissions inventory comparison and analysis completed (DAQ)
	Future case modeling completed (DAQ)
January 31, 2004	Attainment maintenance analysis completed (DAQ)
	One or more modeled control cases completed (DAQ)
	Local emission reduction strategies selected (local governments, stakeholders, DAQ)
	Submission of preliminary Early Action Plan to DENR and EPA
March 31, 2004	Final revisions to modeled control cases completed (DAQ)
	Final revisions to local emission reduction strategies completed (Local governments, stakeholders and DAQ)
	Final revisions to attainment maintenance analysis completed (DAQ)
	Submission of final Early Action Plan to DENR and EPA
December 31, 2004	Early Action Plan adopted and incorporated into the State Implementation Plan (SIP); SIP submitted to EPA
December 31, 2005	Local emission reduction strategies implemented no later than this date
June 30, 2006	Biannual status reports on implementation of measures begin on this date
December 31, 2007	Attainment of the 8-hour standard no later than this date

Further that, if participating local governments do not meet all the terms of the Early Action Compact including meeting agreed-upon milestones, then the area will forfeit its participation and will revert to the standard EPA non-attainment process according to EPA's 8-hour ozone implementation rules; and

Further that, before formal adoption into the State Implementation Plan (December 31, 2004), the Early Action Compact may be modified or terminated by mutual consent of all participating parties, and any party may withdraw from the agreement without penalty.

(Signed) Sandy Carmany

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Mayor Holliday introduced a resolution authorizing the participation as a community partner in Housing Greensboro's Habitat for Humanity International sponsored "21st Century Challenge" Community Certification Program.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: Jessup.

220-02 RESOLUTION AUTHORIZING THE PARTICIPATION AS A COMMUNITY PARTNER IN HOUSING GREENSBORO'S HABITAT FOR HUMANITY INTERNATIONAL SPONSORED "21ST CENTURY CHALLENGE" COMMUNITY CERTIFICATION PROGRAM

WHEREAS, Housing Greensboro, Inc. is a non-profit organization created to coordinate the efforts of various groups to eradicate substandard housing in the City of Greensboro;

WHEREAS, Scott Park, Glenwood, Hampton School and Phillips Avenue are the neighborhoods identified for participation;

WHEREAS, Housing Greensboro has requested that City Council consider participating as a Community Partner in the Habitat for Humanity International sponsored "21st Century Challenge" Community Certification Program;

WHEREAS, as a Community Partner, City Council will be required to execute a commitment letter promising to participate in the plan to eradicate substandard housing, a copy of which is presented herewith this day;

WHEREAS, no additional funding by the City will be required for participation in this program;

WHEREAS, it is in the best interest of the City to participate in this program which will continue to support the current efforts of various City departments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That City Council hereby agrees to participate as a Community Partner in the Habitat International sponsored "21st Century Challenge" Community Certification Program, provided that no additional funding will be required by the City.

(Signed) Yvonne J. Johnson

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Mayor Holliday introduced a resolution approving reallocation of Year 2002-03 Human Service Program Funds for a \$7,000 grant to Communication for the Deaf and Hard of Hearing (CDH).

Andrew Scott, Director of the Housing and Community Development Department, stated that these funds, originally allocated to other programs by the Community Resource Board (CRB), had not been utilized. He recommended that Council consider use of the funds to assist deaf and hard of hearing parents and children.

During Council discussion of various aspects of the proposal, the CRB funding process, and Council's discussions in the most recent budget process with respect to not funding new requests for human services, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Johnson, the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Gatten, Holliday, Jessup, Johnson, Phillips and Vaughan. Noes: Carmany and Perkins.

221-02 RESOLUTION APPROVING REALLOCATION OF YEAR 2002-03 HUMAN SERVICE PROGRAM FUNDS FOR A \$7,000 GRANT TO SOUTHEAST ECONOMIC DEVELOPMENTS (SEEDS) AGENCY AND A \$7,000 GRANT TO COMMUNICATION FOR THE DEAF AND HARD OF HEARING (CDH)

WHEREAS, representatives of The Presbyterian Church of the Cross Community Nursing Program and the National Alliance for Non-Violent Programming informed staff that some or all of their FY 2002 Grants are available to be reallocated;

WHEREAS, CRB has requested that \$7,000 be allocated to the Southeast Economic Developments

(SEEDS) Agency since they did not apply for funding under the 2002 Human Services process;

WHEREAS, CRB has requested that \$7,000 be allocated to Communication for the Deaf and Hard of Hearing to supplement the agency's programming for children of parents with hearing impairments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the allocation of \$14,000 in Year 2002 Human Service Program funds for a \$7,000 grant to Southeast Economic Developments (SEEDS) Agency and a \$7,000 grant to Communication for the Deaf and Hard of Hearing (CDH) is hereby approved.

(Signed) Claudette Burroughs-White

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The Mayor introduced a resolution approving acquisition of Real Property for the South Buffalo Creek Stormwater Treatment. Following brief comments by the City Manager, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

222-02 RESOLUTION APPROVING ACQUISITION OF REAL PROPERTY FOR THE SOUTH BUFFALO CREEK STORMWATER TREATMENT WETLAND PROJECT

WHEREAS, the City of Greensboro is currently involved by contract with the State in the Clean Water Management Trust Fund Grant Project for the construction of an innovative Stormwater Treatment Wetland on an undeveloped portion of South Buffalo Creek and its floodplain near I-40 and Freeman Mill Road which will contain approximately 36 acres of land;

WHEREAS, on April 18, 2000, City Council passed an Ordinance amending the State and Federal Grants Fund Budget for FY 1999-2000 Clean Water Management Trust Fund in the amount of \$960,000 for this project, of which \$800,000 was to be received as a grant from the North Carolina Clean Water Management Trust Fund, with the City's contribution to be approximately \$160,000;

WHEREAS, The Clean Water Management Trust Fund has approved the use of the State grant for property acquisition up to the maximum original grant amount of \$800,000 and the City has reached agreements with many of the property owners involved;

WHEREAS, anticipated land acquisition costs have exceeded the original estimates as well as addition design and constructions costs and the State has approved additional funding in the amount of \$570,000 for the completion and construction of this project;

WHEREAS, the total cost of the project is expected not to exceed \$2.07 million with the City's Stormwater Utility capital funds and City's in-house design and construction services supporting up to \$700,000 of the project, an increase of \$540,000 from the original estimate in 1999;

WHEREAS, it is in the best interest of the City of Greensboro to move forward with this project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the acquisition of the necessary real property interests of this project are approved.

(Signed) Florence F. Gatten

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Mayor Holliday introduced a resolution authorizing and approving lease between City of Greensboro and Bryan Park Golf, LLC.

The City Manager stated that in response to direction from Council, negotiation of private management of facilities at Bryan Park had included the Bryan Foundation. He explained that the negotiated lease provided for private management of only the golf facility, outlined the terms of the agreement, noted that the agreement was an excellent financial arrangement for the City, and spoke to provisions being made to accommodate employees who would be impacted by the privatization.

Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Phillips, the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

223-02 RESOLUTION AUTHORIZING AND APPROVING LEASE BETWEEN CITY OF GREENSBORO AND BRYAN PARK GOLF, LLC

WHEREAS, the City of Greensboro is the fee simple owner of one or more tracts or parcels of land located in Guilford County bordering Lake Townsend, Townsend Road and Bryan Park Road, consisting of approximately 561.49 acres;

WHEREAS, the City currently operates Golf Facilities on this property which includes two daily fee public eighteen hole golf courses, a restaurant and pro shop, a practice putting facility, a golf practice range, tennis courts and a conference center known as The Enrichment Center;

WHEREAS, Bryan Park Golf, LLC wishes to lease this property from the City of Greensboro and will operate the the premises as a public park facility in a manner that will serve the needs of the public and provide an upscale public golfing environment with a customer service level commensurate with other comparable public golf courses in the Southeast;

WHEREAS, the term of the lease will be three (3) years with options to extend the lease for 2 additional 3-year terms, said lease presented herewith this day, to begin on January 2, 2003;

WHEREAS, the terms of the lease require Bryan Park Golf, LLC to pay \$1.00 per year to the City and to use all operating profits over \$75,000 per annum for capital reinvestment in the golf course facilities;

WHEREAS, Bryan Park Golf, LLC will meet with the Bryan Park Golf Commission quarterly to discuss operations and will continue to provide community outreach to various groups including, Junior Golf, Senior Golf, Ladies Golf and to accommodate tournaments and special events as well as honor the City Parks and Recreation Department Leisure Card, which provides discounted play for City residents;

WHEREAS, the City will provide a 90-day transition period in which the city will maintain the current workforce;

WHEREAS, the described Bryan Park property will not be needed during the term of the lease for other than park and recreation purposes and this Lease agreement will promote the best interest of the City and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Lease between the City of Greensboro and Bryan Park Golf, LLC presented herewith this day for property bordering on Lake Townsend, Townsend Road and Bryan Park Road, consisting of approximately 561.49 acres, is hereby approved and the City Manager is hereby authorized to enter into said Lease without further notice.

(Signed) Florence F. Gatten

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David Dansby, residing at 1420 Larchmont Drive, stated he represented the NAACP. Mr. Dansby expressed the opinion that funding cuts to be considered by Council in the coming budget cycle would negatively impact the community in a variety of ways. He urged Council not to eliminate Human Services funding.

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An unidentified citizen offered his opinions with respect to the benefits of community based organizations.

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At the request of Councilmember Burroughs-White, the Mayor briefly outlined the history of events impacting the City budget over the past year and spoke to a recent budget work session in which the majority of Council reached a consensus that they wished to eliminate human service funding as an item in the 2003-04 budget.

Councilmember Burroughs-White expressed strong concern that this process had not allowed citizens to present their views in a public hearing. The Mayor stated that there would be a public hearing during the course of the budget process and explained that he had wished to give the public six months advance notice of the Council's intent through this process of informal decision making.

Councilmember Johnson expressed concern that the elimination of human services funds would negatively impact the perceptions of agencies and organizations outside the City.

Councilmember Phillips explained that his intent to change the process of human services funding did not preclude human services funding. He outlined the history and evolution of the City's human services funding and shared his opinion that human service funding was not in the scope of the City's responsibility.

During debate about the human services funding process, Councilmember Burroughs-White suggested Council members develop alternative processes for funding human services needs. After Councilmember Jessup expressed his opinion that Council should help the community with human services, the Mayor shared his opinion that with current and projected revenue shortfalls, human services should not be a City responsibility because they fell under the domain of County and State governments and spoke to the amount of community support provided through the Housing and Community Development programs. No action was taken.

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After Councilmember Burroughs-White stated Council had requested that the City explore the possibility of purchasing a sport center at the Carolina Circle Mall, she offered a motion that would authorize the City Manager to negotiate purchase of the facility.

After Council discussed the benefits the center could provide and Councilmember Burroughs-White presented the following following motion: "Based on the Parks and Recreation Department and Parks and Recreation Commission recommendations, I move that we utilize monies by voters in the 2000 Bond Referendum for Parks and Recreation to purchase the sports center near Carolina Circle Mall owned by Pyramids. This facility will provide a Mega Recreation Center immediately for our citizens, particularly in the rapidly growing eastern section of Greensboro, thereby, filling a service gap already identified in our Parks and Recreation Master Plan and will also greatly enhance wellness and fitness opportunities for citizens across the City. Monies used to purchase the sports center would come from the \$8.8 million previously designated for a Mega Recreation Center at Barber Park. I further move that the City Manager be authorized to negotiate a purchase price for the sports center with Pyramids and bring back to Council a recommended deal for Council action at the January 7, 2003 regular Council meeting. The motion was seconded by Councilmember Johnson and adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

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In response to discussion and questions from Council, the City Manager advised that the budget process would include code enforcement options.

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Councilmember Gatten spoke to the upcoming budget process and advised that numerous budget cuts would be necessary in addition to the potential human services cuts discussed earlier in the meeting. Councilmember Carmany added that because a 2 billion dollar state budget deficit was predicted for the coming fiscal year and that all one time money had been used, the challenge would be considerable. The City Manager advised that he would report on the projected State deficit at the January budget work session.

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Councilmember Carmany provided an update on ridership levels for the recently established Piedmont Area Regional Transportation bus service.

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Councilmember Carmany advised that due to the December ice storm, the District 5 meeting had been cancelled. Following brief discussion, Councilmember Carmany moved that the meeting be rescheduled to January 16, 2003. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of the Council.

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Councilmember Phillips provided an update on the recent findings of the Cultural Arts Center Task Force with respect to rental issues at the Cultural Arts Center and other City facilities. He advised that Council had passed a motion that was to go into effect on January 1, 2003, to charge \$.50 per square foot to tenants at the Cultural Art Center and the Task Force's goal had been to establish a city-wide policy for rentals. After outlining the research process of the Task Force, Councilmember Phillips reported on their findings which included that Greensboro was above the median in spending and that no other cities surveyed charged art programs for rent or maintenance. He advised that the Task Force committee recommended those charges not be implemented at this time.

Councilmember Phillips stated that the Task Force would continue to look at policy and space allocation and would establish a subcommittee to set up standard operating hours for tenants. The Manager advised that a basic lease needed to be put in place in the near future. Council thanked the Task Force members for their work.

Councilmember Phillips moved that Council not implement the above mentioned \$.50 per square foot rental fee. The motion was seconded by Councilmember Gatten and adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

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The Mayor spoke to a recent economic development presentation made by Mac Holladay that entailed a three to five year plan involving major economic development groups in Greensboro. The City Manager spoke briefly to details of Mr. Holladay's report and advised that a brief summary and full report would be provided to Council. Mayor Holliday suggested that Mr. Holladay's future presentations be video taped.

Speaking to the importance of the Comprehensive Plan, the Mayor encouraged attendance and participation at the public information sessions in January.

Mayor Holliday expressed his disappointment with a media source for creating a contest that he felt created negative public perception of Greensboro. He encouraged the media source to cancel the contest and citizens to abstain from participation.

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At the request of the City Manager, Chief Deputy City Attorney Wood provided an update on a petition involving a baseball stadium. He read into the record the City Clerk's certification which stated that she had found the petition insufficient and spoke to the Charter provision and time line the Petitioners Committee had to remedy the petition by filing a supplemental petition with the City Clerk.

In response to questions from Council, the Chief Deputy City Attorney advised that the City had no authority to remove names from the petition and that citizens seeking to have their names removed should contact the Petitioner's Committee. (A copy of the City Clerk's certification statement is filed in Exhibit Number N-47 and is hereby referred to and made a part of the minutes.)

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The City Manager spoke to recently contracted storm debris cleanup that would be reimbursed by FEMA and the leaf collection schedule that had been delayed by the storm debris. He advised that leaf collection would resume after the debris cleanup.

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Speaking to a recent business trip to New York, the City Manager advised that the City had maintained its good bond rating and provided details of the positive impact of increased water and sewer capacity.

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After Council spoke to recent and upcoming community events, Councilmember Carmany moved that Council adjourn to a closed session meeting for the purpose of discussing an industrial location. The motion was seconded by Councilmember Phillips and unanimously adopted by voice vote of Council.

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THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 10:28 P. M.

Susan E. Crotts
Deputy City Clerk

Keith A. Holliday
Mayor
